

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

Case No. 10-CV-00187

EXMARK MANUFACTURING CO.,)	
INC.,)	
)	
Plaintiff,)	
v.)	
)	
BRIGGS & STRATTON POWER)	
PRODUCTS GROUP, LLC, ET AL.,)	
)	
Defendant.)	
)	

**PLAINTIFF'S FIRST MOTION IN LIMINE TO PRECLUDE DEFENDANT FROM
PRESENTING IMPROPER ARGUMENTS, EVIDENCE, AND TESTIMONY RELATED
TO CLAIM CONSTRUCTION**

Plaintiff Exmark Manufacturing Co., Inc. (“Exmark”) hereby moves the Court for an order *in limine* precluding Defendant Briggs & Stratton Power Products Group, LLC (“Briggs”) from presenting improper arguments, evidence, and testimony related to claim construction. Specifically, Exmark moves the Court for an order precluding Briggs from arguing and presenting evidence that its redesigned accused products do not meet the “adjacent” limitation of the ’863 patent claims at issue, or presenting any other arguments and/or evidence that are inconsistent with the Court’s construction of the ’863 patent claims. In support of its motion, Exmark submits a brief herewith.

WHEREFORE, Plaintiff respectfully requests that the Court grant its First Motion in Limine To Preclude Defendant From Presenting Improper Arguments, Evidence, and Testimony Related to Claim Construction.

EXMARK MANUFACTURING CO., INC.

By its attorneys,

Dated: August 7, 2015

s/ J. Derek Vandenburg

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Certificate of Service

I certify that on August 7, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

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